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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,587	03/05/2007	Ralf Bobel	IF-K34	5292
23996 7590 05/13/2008 PATENT LAW OFFICES OF RICK MARTIN, PC PO BOX 1839 LONGMONT, CO 80502				
EXAMINER				
KLAUS, LISA NHUNG				
ART UNIT		PAPER NUMBER		
2832				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/570,587

**Applicant(s)**

BOBEL ET AL.

**Examiner**

Lisa N. Klaus

**Art Unit**

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 2/8/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-11, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang et al. (US 6,737,592) in view of Liu et al. (US 6,794,592).

Hoang discloses a switch assembly comprising:

- Regarding claim 1, Hoang discloses:

- at least one electrical switch 20 disposed on a carrier;

- the carrier 50 having a top side 27;

- at least one electric switch 20 is push-pull rocker switch (see col. 1, lines 6-22) with an actuation member 32 formed by an actuation projection (see the attachment) asymmetrically with respect to an axis (see the attachment) of the actuation member 32.

- Regarding claim 1, Hoang does not disclose the switch covered by a flexible outer skin.

Liu discloses a dustproof and waterproof switch comprising:

- the flexible outer skin 5 which encloses the actuation projection of the actuation member 4 of the at least one rocker switch.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the outer skin as taught by Liu with Hoang's switch for the purpose of preventing dust, dirt and the like from entering the switch.

- Regarding claim 2, Wright discloses:

- the underside of the outer skin 20 rests intimately on the top side of the carrier 40.

- Regarding claim 3, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the adhesion foam or the like to connect the outer skin 20 with the carrier for the purpose of preventing dust, dirt and the like from entering the switch.

- Regarding claims 4 and 9, Wright discloses:

- the outer skin 20 further comprises downwardly projecting positioning nobs, which engage grooves 46 and 51 of the carrier gaps provided between the carrier 40.

- Regarding claims 5, 10 and 11, Wright discloses:

- at least one rocker switch 22 is an actuation protection located beneath the outer skin 20.

2. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoang and Liu in view of Olson (US 4,958,148).

Hoang and Liu do not disclose the outer skin selected from a group consisting of polyurethane and silicone.

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- Olson discloses the contrast enhancing transparent touch panel device comprising the adhesive being selected from the group consisting of silicone and polyurethane adhesives.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the group consisting of silicone and polyurethane as taught by Olson apply to Hoang's cap for flexibility, water and heat-resistant lubricants, varnishes, binders, and electric insulators.

***Response to Arguments***

3. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

- Page 7, paragraph 2, Applicant argues that the rocker switch of '431 does not have an "actuation projection asymmetrical with respect to an axis". This argument is not found to be persuasive because '431 clearly discloses this limitation (see the attachment).

- Page 7, paragraph 3, Applicant argues that the rocker switch of '431 does not teach the flexible skin conform to the rocker. The newly found reference of Liu is applicable to the limitation of claim 1. Therefore, a new ground of the rejection is presented.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571) 272-1993, and whose fax number is (571) 273-8300. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571) 272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

April 28, 2008

/Michael A. Friedhofer/

Primary Examiner, Art Unit 2832

